



3 of 4 DOCUMENTS

OREGON REVISED STATUTES

THIS DOCUMENT IS CURRENT THROUGH THE 2007 REGULAR SESSION OF THE 73RD LEGISLATIVE ASSEMBLY

ANNOTATIONS CURRENT THROUGH APRIL 24, 2009

TITLE 44. FORESTRY AND FOREST PRODUCTS
CHAPTER 527. INSECT AND DISEASE CONTROL; FOREST PRACTICES
OREGON FOREST PRACTICES ACT
HARVEST TYPE; WATER QUALITY REGULATION

GO TO OREGON REVISED STATUTES ARCHIVE DIRECTORY

ORS § 527.765 (2007)

527.765. Best management practices to maintain water quality; rules.

(1) The State Board of Forestry shall establish best management practices and other rules applying to forest practices as necessary to insure that to the maximum extent practicable nonpoint source discharges of pollutants resulting from forest operations on forestlands do not impair the achievement and maintenance of water quality standards established by the Environmental Quality Commission for the waters of the state. Such best management practices shall consist of forest practices rules adopted to prevent or reduce pollution of waters of the state. Factors to be considered by the board in establishing best management practices shall include, where applicable, but not be limited to:

- (a) Beneficial uses of waters potentially impacted;
 - (b) The effects of past forest practices on beneficial uses of water;
 - (c) Appropriate practices employed by other forest managers;(d) Technical, economic and institutional feasibility;
- and
- (e) Natural variations in geomorphology and hydrology.

(2) The board shall consult with the Environmental Quality Commission in adoption and review of best management practices and other rules to address nonpoint source discharges of pollutants resulting from forest operations on forestlands.

(3)(a) Notwithstanding *ORS 183.310 (8)*, upon written petition for rulemaking under *ORS 183.390* of any interested person or agency, the board shall review the best management practices adopted pursuant to this section. In addition to all other requirements of law, the petition must allege with reasonable specificity that nonpoint source discharges of pollutants resulting from forest operations being conducted in accordance with the best management practices are a significant contributor to violations of such standards.

(b) Except as provided in paragraph (c) of this subsection, if the board determines that forest operations being conducted in accordance with the best management practices are neither significantly responsible for particular water quality standards not being met nor are a significant contributor to violations of such standards, the board shall issue an order dismissing the petition.

(c) If the petition for review of best management practices is made by the Environmental Quality Commission, the board shall not terminate the review without the concurrence of the commission, unless the board commences rulemaking in accordance with paragraph (e) of this subsection.

(d) If a petition for review is dismissed, upon conclusion of the review, the board shall issue an order that includes findings regarding specific allegations in the petition and shall state the board's reasons for any conclusions to the contrary.

(e) If, pursuant to review, the board determines that best management practices should be reviewed, the board shall commence rulemaking proceedings for that purpose. Rules specifying the revised best management practices must be adopted not later than two years from the filing date of the petition for review unless the board, with concurrence of the Environmental Quality Commission, finds that special circumstances require additional time.

(f) Notwithstanding the time limitation established in paragraph (e) of this subsection, at the request of the Environmental Quality Commission, the board shall take action as quickly as practicable to prevent significant damage to beneficial uses identified by the commission while the board is revising its best management practices and rules as provided for in this section.

1991 c.919 § 20; 2003 c.75 § 95; 2003 c.749 § 11

LexisNexis (R) Notes:

LAW REVIEWS

1. *30 Env'tl. L. 527*, ARTICLE: IDAHO SPORTING CONGRESS V. THOMAS AND SOVEREIGN IMMUNITY: FEDERAL FACILITY NONPOINT SOURCES, THE APA, AND THE MEANING OF "IN THE SAME MANNER AND TO THE SAME EXTENT AS ANY NONGOVERNMENTAL ENTITY".